

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1157635

Court : Kolkata

Decided On : Jul-22-2014

Judge : Arijit Banerjee

Appellant : Appellant

Respondent : Respondent

Judgement :

CP No.10 of 2014 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: CAPRICORN ISPAT UDYOG PVT.LTD.- And KJ ISPAT LTD.BEFORE: The Hon'ble JUSTICE ARIJIT BANERJEE Date : 22nd July, 2014.

Appearance: Mr.Rima Das, Adv.Mr.A.P.

Agarwal, Adv...for the petitioner The Court : The petitioner supplied sponge iron to the company on 5th June, 2013 and 8th June, 2013 of the total value of Rs.21,42,765/-.

The company failed, neglected and refused to pay the price of the said goods.

The company acknowledged its liability to pay the said amount by putting its seal and signature on confirmation of accounts.

Since no payment was forthcoming, statutory notice dated November 27, 2013 was served on the company.

There was no reply to such notice.

Hence the present winding up petition.

On 7th April, 2014 this Court recorded an order that in spite of service nobody appeared on behalf of the company.

Direction was given for filing affidavits and the petitioner was directed to communicate the said order to the company.

It appears from the affidavit of service filed in Court that the petitioner has duly communicated the order dated 7th April, 2014 to the company.

No affidavit in opposition has been filed on behalf of the company.

Hence the matter has appeared as company matter adjourned (unopposed). Nobody appears on behalf of the company even today.

It appears that the company is not interested in contesting this petition.

From the documents on record and from the companys conduct it is clear that the company has no defence to the petitioners claim.

Accordingly, this petition is admitted for a sum of Rs.21,42,765/-.

The said sum will carry interest at the rate of 8% per annum from 1 July, 2013, till repayment.

The company is granted opportunity to pay off the sum in three equal monthly instalments fiRs.of which would be payable on 10th August, 2014 and subsequent instalments on the tenth day of each subsequent months.

There shall be an unconditional stay of this order till 10th August, 2014 and the stay shall continue provided the company pays its instalments as directed in this order.

In default the stay shall stand vacated and the petitioner will be at liberty to publish advertisements once in The Statesman and once in Sambad Pratidin.

The petitioner shall communicate this order to the company forthwith.

The matter is made returnable eight weeks hence.

(ARIJIT BANERJEE, J.) bp.

AR(CR)

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